

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
WYETH,)	
)	
Plaintiff,)	
)	
v.)	C.A. No.: 06-222 (JJF)
)	
IMPAX LABORATORIES, INC.,)	
)	
Defendant.)	
_____)	

**STIPULATION AND ORDER REGARDING DEFINITION OF
PERSON HAVING ORDINARY SKILL IN THE ART**

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that,
for purposes of trial in this action:

A "person having ordinary skill in the art" is a person with (1) at least a bachelors degree in pharmacy or some closely related discipline, or a Pharm D. degree; (2) at least two years of work experience in the formulation, design, or evaluation of pharmaceutical dosage forms, including extended release dosage forms; and (3) would have taken courses in biopharmaceutics, pharmacokinetics, and pharmacodynamics or would have acquired comparable knowledge through work experience. Such a person would also have a working knowledge of, or would know to consult with persons with expertise in (1) the pharmacologic profile, mechanism of action, efficacy and adverse effects of serotonin, norepinephrine, and dopamine reuptake inhibitors in the treatment of psychiatric disorders, (2) the diagnosis and treatment of patients with psychiatric disorders, and (3) biostatistics.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP MORRIS, JAMES, HITCHENS & WILLIAMS

/s/ Karen Jacobs Louden

/s/ Mary B. Matterer

Jack B. Blumenfeld (#1014)
Karen Jacobs Louden (#2881)
1201 N. Market Street
Wilmington, DE 19899-1347
(302) 658-9200
Attorneys for Plaintiff

Mary B. Matterer (#2696)
222 Delaware Avenue
P.O. Box 2306
Wilmington, DE 19899
Attorneys for Defendant

OF COUNSEL:

OF COUNSEL:

Basil J. Lewis
Linda A. Wadler
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001
(202) 408-4000

Daralyn J. Durie
Daniel Purcell
Joseph C. Gratz
Keker & Van Nest L.L.P.
710 Sansome Street
San Francisco, CA 94111
(415) 391-5400

Dated: March 24, 2008

SO ORDERED this _____ day of March, 2008.

United States District Court Judge